

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bell *et al.*

Confirmation No.: 7498

Appl. No. 10/743,649

Art Unit: 1645

Filed: December 23, 2003

Examiner: R. Zeman

For: **ONCOLYTIC VIRUS**

Atty. Docket: 1800-D2

Cust. No. 31976

**Declaration Under 37 CFR § 1.131**

We, John C. Bell, David F. Stojdl, Harold L. Atkins and Brian D. Lichty, do hereby declare and state:

1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 1, 3, 7, 9-15, and 17-20, as amended by the Amendment as submitted herewith.

2. The subject matter of claims 1, 3, 7, 9-15, 17-20, as submitted herewith, was conceived and reduced to practice by us before September 16, 1999. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.

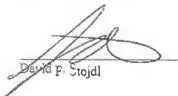
3. The experiment described in Exhibit 1, was performed in Canada.

4. Exhibit 1 shows an experiment comparing administration of VSV virus or cells infected with the VSV virus to melanoma tumor cells in a mouse. For example, the first page of Exhibit 1 in the upper left section shows a diagram depicting administration of “infected cells” or “purified virus” to tumor cells in a mouse.

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

\_\_\_\_\_  
John C. Bell

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
David F. Stojdl

Jan 3, 2008  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Harold L. Atkins

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian D. Lichty

\_\_\_\_\_  
Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

\_\_\_\_\_  
John C. Bell

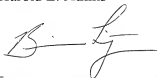
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David F. Stojdl

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Date

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Harold L. Atkins

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Date

  
\_\_\_\_\_  
Brian D. Lichty

Decem,ber 19, 2007

\_\_\_\_\_  
Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

\_\_\_\_\_  
John C. Bell

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Date

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David F. Stojdl

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Harold L. Atkins

21 Dec 2007  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian D. Lichty

\_\_\_\_\_  
Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

  
\_\_\_\_\_  
John C. Bell  
\_\_\_\_\_  
Date\_\_\_\_\_  
David F. Stojdl\_\_\_\_\_  
Date\_\_\_\_\_  
Harold L. Atkins\_\_\_\_\_  
Date\_\_\_\_\_  
Brian D. Lichty\_\_\_\_\_  
Date

Exhibit 1

EXP. NO.	ASSAY	NOTES
<b>REDACTED</b>		
DATE: [REDACTED]		
<p><b>Int'l Cells</b></p> <p>Rel. Part 1</p> <p>5x10<sup>6</sup>/5ml</p>	<p><b>Part 2</b></p> <p>Rel. Part 2</p> <p>5x10<sup>6</sup>/5ml</p>	<p><b>Part 3</b></p> <p>Rel. Part 3</p> <p>5x10<sup>6</sup>/5ml</p>
<p>[REDACTED]</p> <p>① 4.2 x 4.9 20.6</p> <p>② 5.7 x 5.7 32.5</p> <p>③ 6.6 x 6.6 43.6</p> <p>④ 5.2 x 5.2 27</p>	<p>[REDACTED]</p> <p>① 6.4 x 6.3 40.3</p> <p>② 6.8 x 6.8 46.2</p> <p>③ 2.7 x 3.1 (or less) 8.4</p> <p>④ none</p> <p>⑤ 12.7 x 10.7 114.5</p> <p>⑥ 11.6 x 11.6 134.6</p> <p>⑦ 4.5 x 4.5 20.3</p> <p>⑧ 6.7 x 6.7 44.9</p>	
<p>[REDACTED]</p> <p>① 10.9 x 10.9 118.8</p> <p>② 9.9 x 9.9 98.0</p> <p>③ 5.2 x 5.5 28.6</p> <p>④ 5.1 x 5.1 26</p> <p>⑤ 6.9 x 7.0 48.3</p> <p>⑥ 5.4 x 4.4 23.8</p> <p>⑦ 4.6 x 4.6 21.3</p>	<p>[REDACTED]</p> <p>① 10.9 x 10.9 118.8</p> <p>② 9.9 x 9.9 98.0</p> <p>③ 5.2 x 5.5 28.6</p> <p>④ 5.1 x 5.1 26</p> <p>⑤ 6.9 x 7.0 48.3</p> <p>⑥ 5.4 x 4.4 23.8</p> <p>⑦ 4.6 x 4.6 21.3</p>	
SIGNATURE		

NAME	EXP NO	ASSAY	NOTES
			<b>REDACTED</b>
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><u>Cage α</u></p> <p>7795 7596 7594 7593 7595</p> </div> <div style="width: 45%;"> <p><u>Cage β</u></p> <p>7793 7786 7787 7788 7794</p> </div> </div>			
<p><u>Cage 8</u></p> <p>7586 7587 7588 7589 7590</p>			
<p>All infected in [REDACTED]</p>			
26	WT	IFN 1x10 <sup>5</sup> units ] same pos	28 WT 5x10 <sup>9</sup> USU In
	5x10 <sup>9</sup> USU IN		
27	WT	IFN 1x10 <sup>5</sup> u IP ]	
	5x10 <sup>9</sup> USU IN		
24	PR-1	IFN 1x10 <sup>5</sup> units ] same pos	Boys
	5x10 <sup>9</sup> USU IN		
25	USU IN	PR-1	
	CAGE α PR-1		
29	WT	USU	
	1x10 <sup>4</sup>		
30	IFN 1x10 <sup>5</sup> units	USU 5x10 <sup>9</sup>	CAGE β

INSERT COVER UNDER YELLOW SHEET BEFORE WRITING

COLD SPRING HARBOR LABORATORY RESEARCH NOTEBOOK  
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